UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:	)	CHAPTER 7
	)	
SHERRY L. STENSON	)	CASE NO. 05-93978-MHM
	)	
Debtor	)	

ORDER REGARDING *PRO SE* PLEADINGS

On August 29, 2005, Debtor, who is proceeding *pro se,* delivered to the Clerk several copies of documents (attached to this order), which include references to both a pending case filed in U.S. District Court (Case No. 1:05-CV-1769-RWS) and to the above-styled bankruptcy case. The handwritten cover letter accompanying these documents is addressed to the Eleventh Circuit Court of Appeals. In an abundance of caution, the undersigned has reviewed the documents to ascertain whether Debtor has presented any cognizable claim for relief from the bankruptcy court.

Individual litigants have a right to represent themselves before the bankruptcy court, but if they choose to do so, the responsibility for that representation lies with them alone. The court may not act as counsel by offering legal advice or assistance to the litigant. *In re Webb*, 212 B.R. 320 (8th Cir. BAP 1997). *See also, Wakefield v. Railroad Retirement Board*, 131 F. 3d 967 (11th Cir. 1997). Additionally, a party's *pro se* status does not excuse compliance with the Bankruptcy Code or rules of procedure. *In re Simmons,* 256 B.R. 578 (D. Md. 2001). Realizing that *pro se* litigants lack familiarity with bankruptcy law and procedure, however, the court liberally construes *pro se* pleadings to permit consideration of

the relief sought within the applicable legal and procedural limitations. *See*, *Kilgo v. Ricks,* 983 F. 2d 189 (11th Cir. 1993).

Debtor's mentions of the bankruptcy case appear to relate to an intent to appeal an order entered August 12, 2005, which grants relief from the stay to the Atlanta Housing Authority. To the extent that Debtor may have intended to appeal the order entered August 12, 2005, her pleadings, which were received by the Clerk August 29, 2005, were not timely filed[1] or properly served.

To the extent that Debtor seeks reconsideration of the order entered August 12, 2005, Debtor has presented insufficient grounds to support such reconsideration. Motions for reconsideration cannot be used to relitigate issues already decided, to pad the record for an appeal or to substitute for an appeal. *Kellogg v. Schreiber*, 197 F. 3d 1116 (11th Cir. 1999); *In re McDaniel,* 217 B.R. 348 (Bankr. N.D. Ga. 1998)(J. Drake); *In re Oak Brook Apartments of Henrico County, Ltd.,* 126 B.R. 535 (Bankr. S.D. Ohio 1991). Such a motion is frivolous if it raises no manifest errors of law or misapprehensions of fact to support why the court should change the original order. *Magnus Electric v. Masco Corp.*. 871 F. 2d 626 (7th Cir. 1989). *Unioil v. E.F. Hutton & Co.,* 809 F. 2d 548 (9th Cir. 1986).

Additionally, on October 24, 2005, Debtor filed a pleading which was docketed as a motion to proceed with an appeal *in forma pauperis*. To the extent that it is intended as such, however, Debtor has failed to properly file a notice of appeal. Accordingly, it is hereby

ORDERED that the copies of documents delivered by Debtor and attached to this order are construed as a motion for reconsideration and a notice of appeal. The motion for

[1] *See* Bankruptcy Rule 8002, which provides a ten day period for filing a notice of appeal.

reconsideration is *denied* as untimely filed and lacking legal support. The notice of appeal is *stricken* as untimely filed. It is further

ORDERED that the motion filed October 25, 2005, to proceed *in forma pauperis* is *denied*.

IT IS SO ORDERED, this the ____ day of November, 2005.

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MARGARET H. MURPHY
UNITED STATES BANKRUPTCY JUDGE